



# **Storm Water Program 101**

**Presented by:**

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# Purpose of this Presentation

*To Discuss the . . . . .*

- Relationship between the Clean Water Act (CWA) and EPA's regulations
- How EPA shares responsibility with the States
- Impacts of Storm Water Runoff
- Regulatory Structure of the Storm Water Program

# The CWA and EPA's Regulations

- Congress passed the CWA & amendments with basic guidelines, and required EPA to come up with regulations to fill in the rest.
- EPA studied the issue, including an analysis of the proposed regulations' economic impact.
- EPA published the proposed regulations in the Federal Register, collected and considered public comment, and then finalized the regulations.



# How EPA Shares Responsibility with States

- The CWA gives EPA the authority to authorize States to implement parts of the law, including storm water.
- States must have laws at least as stringent as EPA's regulations.
- The State agency is then the primary agency running the program.
- EPA may assist the State through work share agreements.
- EPA maintains concurrent authority under the CWA. EPA also maintains an oversight role.

# *Why Do We Care About Storm Water Runoff?*

*When it rains, it drains ....*

- Impacts caused by quantity of runoff
  - Changes in Stream Hydrology
  - Stream Widening and Erosion
- Quality of runoff
  - Sediment
  - Nutrients
  - Pathogens
  - Temperature



Erosion/run-off is still the #1 source  
of nonpoint source pollution in the  
U.S.



# Report to Congress

- 1998 Report

- 23% of rivers and streams evaluated
  - 38% impaired by sediments
- 43% of lakes, reservoirs, and ponds evaluated
  - 12% of impaired by sediments

- 2000 Report

- 19% of rivers and streams evaluated
  - 31% impaired by sediments
- 43% of lakes, reservoirs, and ponds evaluated
  - 21% of impaired by sediments



# The 1987 Amendments to the CWA

Established the Storm Water Program

## **Phase I:**

- Storm Water Discharges Associated with Industrial Activity, including construction of 5 acres or more or smaller sites within a common plan of development of 5+ acres .
- Municipal Separate Storm Sewer Systems (MS4s) serving populations greater than 100,000. (None in ND. Minneapolis/St. Paul in MN.)
- Permit coverage required since October 1992.



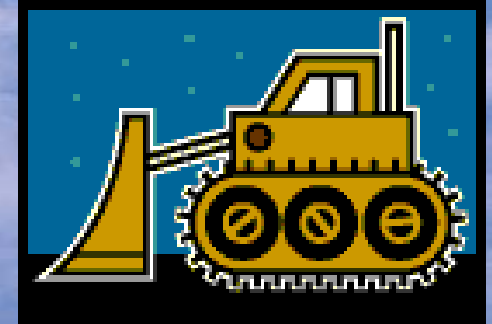
# The 1987 Amendments to the CWA

Established the Storm Water Program

## ◆ Phase II:

- Storm Water Discharges Associated with construction of between 1 and 5 acres.
- Municipal Separate Storm Sewer Systems (MS4s) serving populations less than 100,000.
- Permit coverage required since March 2003.

# Storm Water Program



**Large and Small Construction**

Municipal Separate Storm Sewer  
Systems (MS4s)



# Regulated Industrial Activities: Construction

Applies to activities disturbing  $\geq 1$  acre

- Clearing, grading or excavation
- Activities  $< 1$  acre that are part of a larger common plan of development
  - Multiple activities within a contiguous area
  - Includes activities taking place on different schedules

# What is the focus of controls for construction?

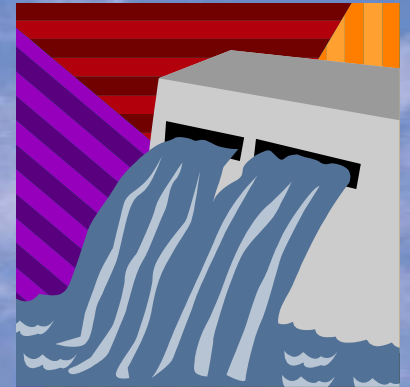
- Prevent or minimize impact of construction
- Minimize erosion during construction
- Consider post-construction storm water management





# **Storm Water Program**

Large and Small Construction



**Municipal Separate Storm Sewer  
Systems (MS4s)**

# *What is a Municipal Separate Storm Sewer Systems (MS4s)?*

*“A conveyance or system of conveyances ... owned by a State, City, Town, or other Public entity, that is designed or used for collecting or conveying storm water”*



# What is a *Municipal Separate Storm Sewer System (MS4)*?

...In other words, it's the storm sewer.



# What is the focus in permitting of MS4s?

- CWA provides that municipalities “reduce the discharge of pollutants to the **Maximum Extent Practicable**” (MEP)
- Municipalities must obtain a permit & develop a Storm Water Management Program.
- The required elements of the program differ for Phase I and Phase II MS4s.



# Deadlines for Small MS4 Compliance

- “Automatically” designated small MS4s:
  - Permit coverage by March 10, 2003
  - Permitting authority may approve schedule for phasing coverage for MS4s <10,000
    - coverage by March 8, 2007
- Full implementation of MS4’s program:
  - Within 5 years of permit issuance



# I'm doing construction within an MS4. How does this affect my storm water requirements?

- *You still need a storm water permit from NDDH or MPCA.*
- However, the MS4 may have specific requirements including:
  - Use of specific BMPs.
  - Specific deadlines for certain activities such as: installation of sod; temporary seeding; and removal of dirt stockpiles.
  - City inspections (not to be confused with self inspections).
  - Approval of all or part of your SWPPP.

I'm doing construction within an MS4. How does this affect my storm water requirements?

- ❑ *All of the MS4's requirements related to storm water at your construction site can be integrated into the SWPPP required in your storm water permit.*
- ❑ *However, approval of an erosion control plan by an MS4 does not ensure compliance with State storm water regulations.*